

**MINUTES OF THE MEETING OF THE
BOARD OF FUNERAL DIRECTING AND EMBALMING**

January 22, 2015

These minutes were
approved by the Board on
April 2, 2015.

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by John Rice, Vice-Chairperson, at 8:33 a.m., in the Nebraska State Office Building, Lower Level Conference Room D, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law. The following members answered roll call:

Members Present

Randal Bangert	Secretary
Steven Brunken	Member
John Rice	Vice-Chairperson
Arvid Wiest	Member

Others Present

Ed Vierk	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Dennis Scott	Investigator, Licensure Unit
Russ Fosler	Investigator, Licensure Unit
Peggy Persell	Program Manager, Investigations
Nancy Herdman	Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Brunken moved, seconded by Bangert, to adopt the agenda. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (10-1-14)

MOTION: Bangert moved, seconded by Rice, to approve the minutes of October 1, 2014. A roll call vote was taken. Voting aye: Bangert, Rice (2). Voting nay: None (0). Abstain: Brunken, Wiest (2). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Brunken moved, seconded by Bangert, to enter closed session at 8:34 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:06 a.m.	-	Scott, Fosler, Pursell departed meeting
10:10 a.m.	-	Break
10:18 a.m.	-	Meeting resumed

MOTION: Brunken moved, seconded by Bangert, to return to open session at 10:46 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Convictions/Reinstatements/Administrative Penalties

Western Nebraska Funeral Service, LLC dba Dugan Kramer Crematory

The Board reviewed the application information given the operator is a licensed funeral director and embalmer.

MOTION: Bangert moved, seconded by Brunken, to recommend offering a 6 month probationary license including the following terms and conditions: 1) completion of the Board jurisprudence examination by the crematory operator and the owner; and 2) random inspection. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

Western Nebraska Funeral Service, LLC dba Dugan Kramer Chapel

MOTION: Brunken moved, seconded by Weist, to recommend charging the administrative fee and issue the license. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

6. NEW BUSINESS

a. Inspection Overview and Area Assignments

Chiles indicated that while Board members have been inspecting funeral home, there were still some that needed to be completed, specifically in the establishments in western Nebraska. Chiles will send out the list of funeral homes that need to be inspected and members can advise which establishments they can inspect. Brunken asked what they should do if they are denied access; Chiles replied that they need to mark the inspection as unsatisfactory, record the denial to access the establishment and return the report to the Department for follow-up.

10:53 a.m. - Kevin Griess and Suzanna Glover-Ettrich, Department attorneys, entered the meeting

Griess stated he was hired in the position vacated by Roger Brink. The members introduced themselves.

b. Updates/Issues

• 2015 Legislative Session

Chiles provided the summary of LB 198 and LB 146.

LB 198 would establish minimum qualifications for individuals to obtain a limited line insurance license to offer pre-need funeral insurance. To obtain a license to sell pre-need funeral insurance, an individual who is a licensed funeral director and embalmer would need to complete three hours of education in life insurance and three hours of insurance industry ethics. If the individual is not licensed as a funeral director and embalmer, the individual would need to complete five hours of education in life insurance and three hours of insurance industry ethics. To maintain this license, all licensees would need to complete three hours of insurance industry ethics. The licensee would also need to complete three hours of continuing education if they are a licensed funeral director and embalmer or six hours of continuing education if they are not licensed as a funeral director and embalmer. Introduced by: Senator Matt Williams

LB 146 establishes a voluntary process for funeral homes to work with veteran service organizations to locate, identify and inter unclaimed cremated remains of veterans and their dependents for the purposes of burial in a veteran cemetery. Veteran service organizations must have a 501(c)(3) or 501(c)(19) status, be organized for the benefit of veterans burial and interment, and be recognized by the Memorial Affairs Division of the United States Department of Veteran Affairs or the Nebraska Department of Veterans Affairs. Eligible veteran service organizations must make reasonable efforts to locate the authorizing

agent and must possess the remains for a period of no less than one year before internment of the remains. The remains cannot be scattered. Funeral homes who use this process must keep a record identifying the veteran service organization who received the remains of each veteran or dependent for a minimum of five years. Introduced by: Senator Sue Crawford

- **Regulations (172 NAC 67 & 68)**

Chiles reported the regulations were being reviewed at the Attorney General's Office. She stated they were in the new format that does not include statutory language or application processes.

Brunken asked what could be done to get doctors to sign death certificates. Chiles suggested approaching the Medical Association for assistance.

- **Nebraska Funeral Directing Association (NEFDA)**

Rice reported the convention would be May 5-7, 2015. He said the jurisprudence examination would be given on May 5 at 3:00 p.m. and stated if other members could come to assist that it would be appreciated. The members discussed what could be done to promote taking advantage of this opportunity such as reminding individuals they would receive 4 CEU hours for passing the examination and that they must take it every 10 years.

- **International Conference of Funeral Services Examination Board, Inc. (ICFSEB)**

Rice reported he was a Policy Board representative and he had completed his orientation this week and would be going to Washington, D.C. in March.

Rice reported that the annual meeting would be February 25-26, 2015, in Dallas. Rice will be going early to work on the examination and staying through the meeting. Bangert and Brunken indicated they might also be interested in attending. Rice's expenses are paid by ICFSEB.

MOTION: Rice moved, seconded by Brunken, to recommend expending funds for one or two members to attend the ICFSEB annual meeting. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

Rice suggested the members look at the Model Practice Act distributed by ICFSEB.

c. Reports

- **Disciplinary and Non-Disciplinary Actions Reports**

Chiles circulated the disciplinary/non-disciplinary report for 2014. She stated 2 credentials were currently being monitored on probation.

- **Licensure Statistics**

Chiles reported that for 2014, \$1,100 was collected for administrative penalties.

Chiles reported the following examination information for 1-1-14 to 1-21-15:

Jurisprudence Exam:	83 passed, 1 failed
License Jurisprudence Exam:	11 passed, 2 failed
Vital Statistics Exam:	12 passed
National Arts Exam:	3 passed, 6 failed
National Science Exam:	4 passed, 2 failed
Probation Jurisprudence Exam:	1 passed

11:24 a.m. - Vierk departed meeting

Chiles reported the following numbers for current licenses:

Funeral Director and Embalmer:	411
Embalmer:	1
Funeral Director:	4
Establishments:	169
Branch Establishments:	112
12 Month Apprentice	6
2 nd 6 Month Split Apprentice:	1

d. Confirmation of Method of Noticing Meetings

MOTION: Brunken moved, seconded by Bangert, to continue posting notice of meeting as done in the past by placing them on the Department website and Department bulletin board. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

7. ELECTIONS AND APPOINTMENTS

a. Chair, Vice-Chair, Secretary (election)

MOTION: Brunken moved, seconded by Bangert, to elect Rice as chair. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Abstain: Rice (1). Absent: None (0). Motion carried.

MOTION: Wiest moved, seconded by Bangert, to elect Brunken as vice-chair. A roll call vote was taken. Voting aye: Bangert, Rice, Wiest (3). Voting nay: None (0). Abstain: Brunken (1). Absent: None (0). Motion carried.

MOTION: Wiest moved, seconded by Brunken, to elect Bangert as secretary. A roll call vote was taken. Voting aye: Brunken, Rice, Wiest (3). Voting nay: None (0). Abstain: Bangert (1). Absent: None (0). Motion carried.

b. Investigative Consultant (appointment)

Wiest was appointed as investigative consultant.

8. UNFINISHED BUSINESS

a. Jurisprudence Continuing Education Examination – Closed Session

MOTION: Brunken moved, seconded by Bangert, to enter closed session at 11:36 a.m. to discuss the jurisprudence continuing education examination. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

11:38 a.m. - Griess departed meeting

b. Other – Open Session

MOTION: Wiest moved, seconded by Bangert, to return to open session at 12:35 p.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9. ADJOURNMENT

MOTION: Brunken moved, seconded by Bangert, to adjourn. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

There being no further business, the chair declared the meeting adjourned at 12:35 p.m.

Respectfully submitted,

Randal Bangert, Secretary
Board of Funeral Directing and Embalming

Next Meeting: 4-2-15

Summarized by: Nancy Herdman, Health Licensing Coordinator